

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 12-3250

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In re: MICHAEL A. GARCIA,  
Petitioner

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On a Petition for Writ of Mandamus from the  
United States District Court for the District of New Jersey  
(Related to D.C. No. 11-cv-07030)

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Submitted Pursuant to Rule 21, Fed. R. App. P.  
September 27, 2012  
Before: SLOVITER, FISHER AND WEIS, Circuit Judges  
(Opinion filed: October 4, 2012 )

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OPINION

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PER CURIAM.

Pro se petitioner Michael A. Garcia seeks a writ of mandamus to compel the United States District Court for the District of New Jersey to rule upon his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Garcia filed his § 2241 petition on November 25, 2011.<sup>1</sup> In January 2012, he filed motions for discovery, an evidentiary hearing, and appointment of counsel. In May 2012,

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<sup>1</sup> Although the petition was entered on the District Court's docket on December 2, 2011,

the Government had not filed its response, and Garcia filed a motion for an order to show cause. In June, Garcia filed a motion for summary judgment and a letter requesting the status of his case. In August 2012, Garcia filed the instant petition for writ of mandamus to compel the District Court to rule on his § 2241 petition.

On September 18, 2012, the District Court dismissed Garcia’s § 2241 petition without prejudice for failure to exhaust administrative remedies. Garcia v. Zickefoose, No. 11–7030, 2012 WL 4120509, Slip Copy (D.N.J. Sept. 18, 2012). Because Garcia has now received the relief he sought in filing his mandamus petition—namely, a ruling on his § 2241 petition—we will deny his mandamus petition as moot.

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Garcia is presently incarcerated, and we therefore consider it filed on the date on which it was delivered to prison authorities. See Houston v. Lack, 487 U.S. 266 (1988).